

United States District Court
Southern District of Texas
FILED

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

SEP - 7 2016

UNITED STATES OF AMERICA

David J. Bradley, Clerk

V.

CRIMINAL COMPLAINT

Alberto Agustin Hernandez

Principal

YOB: 1991

United States

Juan Sergio Mora-Rodriguez

Co-Principal

YOB: 1991

United States

Case Number:

M-16-1667-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 5, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Joel Pelico-DeLeon, a citizen and national of Guatemala and Atanasio Arias-Jimenez, a citizen and national of the United Mexican States, who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Pharr, Texas to the point of arrest near Pharr, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 5, 2016, DPS Trooper Cortez conducted a vehicle stop ^{in Pharr, TX} on a white Chevrolet Malibu for a speeding violation. DPS Trooper Cortez believed the occupants may not be legally in the United States and requested for a Border Patrol Agent to assist in determining alienage.

On September 5, 2016, at approximately 12:30 PM, BPA Vela and BPA Cuevas responded to the call out to determine the immigration status of the occupants. All subjects were questioned; the driver and front passenger, Alberto Agustin Hernandez and Juan Mora, respectively, were both found to be United States Citizens. The two rear passengers admitted that they were illegally present in the United States and did not possess any legal documentation to remain in the United States. All the subjects were placed under arrest and transported to the Weslaco Border Patrol Station for processing.

Continued on the attached sheet and made a part of this complaint ☒ Yes ☐ No


Signature of Complainant

Approved Joseph Leonard
Sworn to before me and subscribed in my presence,

Julio Ibarra Senior Patrol Agent
Printed Name of Complainant

September 7, 2016
Date

at McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1667-M

**RE: Alberto Agustin Hernandez
Juan Sergio Mora-Rodriguez**

CONTINUATION:

Principal Statements

Alberto Agustin Hernandez and Juan Sergio Mora-Rodriguez were read their Miranda Rights. They understood their rights and provided a sworn statement without the presence of an attorney.

Hernandez stated to agents that Juan Mora was his 'homeboy' and that he worked with the other two passengers picking watermelons. Hernandez stated that he was going to help Mora find a job.

Mora stated to agents that Hernandez picked him up at the Golden Corral on Jackson Road in Pharr. He did not know the two passengers in the rear seat. Mora told agents that Hernandez was helping him find work.

Material Witness Statement

Joel Pelico-DeLeon and Atanasio Arias-Jimenez were read their Miranda Rights. They understood their rights and provided a sworn statement without the presence of an attorney.

Pelico, a citizen of Guatemala, stated his wife made the smuggling arrangements. His wife was going to pay \$4,000 USD when he arrived to Houston, Texas. Pelico entered the United States illegally on September 1, 2016. He crossed with other people and a guide using an inflatable raft. After crossing, he and the others waited in the brush until they were transported to a house. After a few days he was awoken by Juan Mora. Mora instructed him to get dressed and board a white car. Mora also boarded the white car and sat in the front passenger seat. Pelico identified Juan Mora through a photo lineup. Pelico identified Alberto Agustin Hernandez as the driver of the white car through a photo lineup. Hernandez told him they would get more instructions at the drop off location. After leaving the residence, they stopped at a Walmart before being pulled over by police. Pelico claims that Hernandez told him to say they were working down here for a couple of months on the farms.

Arias, a citizen of Mexico, stated he made the smuggling arrangements with a contact that was provided by his friend. He paid \$3,500 USD and was going to pay an additional amount when he arrived in Houston, Texas. He crossed with one other person and a guide. After they entered into the United States using a raft they were transported to a house. Arias was then moved to a second home where he was told by Juan Mora to board a vehicle. Arias identified Alberto Agustin-Hernandez as the driver of the vehicle through photo lineup. Arias identified Juan Mora as the front passenger of the vehicle through a photo lineup. Arias was told by Hernandez that they would get a cell phone and instructions on what to do next. They drove to a Walmart and after they left they were stopped by the police.